

File No. _____

In the Matter Of **Raymond Dwight Rector Cook**

Phone **[REDACTED]**

Date Issued **09/21/2009** Time Issued AM PM

Name of Applicant **Senior Officer E.J. Sweden**

Name of Additional Affiant _____

RETURN OF SERVICE

I certify that this Search WARRANT was received and executed as follows:

Date Received	9/21/2009	Time Received	8:30	<input checked="" type="checkbox"/> AM	<input type="checkbox"/> PM
Date Executed	9/22/2009	Date and Time of Return	9/28/09	1430	

I made a search of **Apple brand iPhone black color, 16GB model** as commanded. **[REDACTED]**

I seized the items listed on the attached inventory

I did not seize any items.

This warrant was not executed within 48 hours of the date of issuance and I hereby return it not executed

Signature of Officer Making Return **[Signature]**
Department of Agency of Criminal Raleigh Police Department

STATE OF NORTH CAROLINA

Wake County

In the General Court of Justice
District Court Division

To any officer with authority and jurisdiction to conduct the search authority by this Search Warrant:

I, the undersigned, find that there is probable cause to believe that the property and person described in the application on the reverse side and related to the commission of a crime is located as describe the application.

You are commanded to search the premises, vehicle, person, and other place or item described in the application for the property and person in question: If the property and/or person are found, make the seizure and keep the property subject to Court Order and process the person according to law.

You are directed to execute this Search Warrant within forty-eight (48) hours from the time indicated on this Warrant and make due return to the clerk of the issuing Court.

This Search Warrant is issued upon information furnished under oath by the person or persons shown.

Date **9-28-09** Time **2:33** AM PM

Signature **[Signature]**
 Deputy CSC Assl. CSC Clerk of Superior Court

Date **09/21/09**

Signature **[Signature]**

Deputy CSC Assl. CSC Clerk of Superior Court
 Magistrate District Ct. Judge Superior Ct. Judge

APPLICATION FOR SEARCH WARRANT

I, Senior Officer E.J. Sweden, Raleigh Police Department

(Insert name address; or if law enforcement officer name, rank and agency)

being duly sworn, request that the court issue a warrant to search the person, place, vehicle and other items described in this application and to find and seize the property and person described in this application. There is probable cause to believe that On 09/11/2009 a traffic collision occurred on Strickland Road at Lead Mine Road in the City of Raleigh, Wake County, North Carolina which resulted in the death of Elena Bright Shapiro. The at fault driver Raymond Dwight Rector Cook was operating his 2005 Mercedes at a high rate of speed and under the influence of an impairing substance at the time of the crash.

(Describe property to be seized; or if search warrant is to be used for searching a place)

Data contained within Mr. Cook's iPhone

(to serve an arrest warrant or other process, name person to be arrested)

constitutes evidence of a crime and the identity of a person participating in crime.

Second Degree Murder

, and is located

Name Crime

(check appropriate box(es) and fill-in specified information)

in the following premises Raleigh Police Evidence Unit, 110 S. McDowell Street, Raleigh, North Carolina

(and)

on the following person(s) _____

(and)

in the following vehicle(s) _____

(describe Vehicle(s))

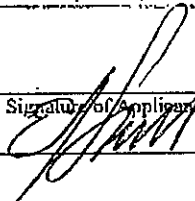
(and)

Black iPhone

(Name and/or describe other places or items to be searched, if applicable)

The applicant swears to the following facts to establish probable cause for the issuance of a search warrant;
See Attached

SWORN AND SUBSCRIBED TO BEFORE ME	
Date	09/21/09
Signature	B. Squares
<input type="checkbox"/> Deputy CSC	<input type="checkbox"/> Assl. CSC
<input type="checkbox"/> Clerk of Superior Court	<input checked="" type="checkbox"/> Mag. <input type="checkbox"/> Judge

Signature of Applicant


In addition to the affidavit included above, this application is supported by additional affidavit(s) attached, made by _____

In addition to the affidavit included above, this application is supported by sworn testimony, given by _____

This testimony has been (check appropriate box) reduce to writing tape recorded and I have filed each with the clerk

*If a continuation is necessary, continue the statement on an attached sheet of paper with a notation saying " see attachment Date the continuation and include on it the signatures of applicant and issuing official.

STATE OF NORTH CAROLINA
WAKE COUNTY

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION

IN THE MATTER OF:
iPhone belonging to Raymond Dwight Cook
Telephone number [REDACTED]

ATTACHMENT TO APPLICATION
FOR SEARCH WARRANT BY:

Senior Officer E.J. Sweden
Date: 09/21/2009

Description of Items to be Seized

1. Data indicating telephone calls made from [REDACTED]
2. Data indicating telephone calls made to [REDACTED]
3. Data indicating text messages sent from [REDACTED] including the content of the message
4. Data indicating text messages sent to [REDACTED] including the content of the message
5. Any data relating to Global Positioning which may indicate locations of telephone use
6. Data of stored contact information
7. Email messages stored on [REDACTED]

Description of Crimes

1. Second Degree Murder N.C.G.S. 14-17
2. Careless and Reckless Driving N.C.G.S. 20-140 (A)
3. Driving While Impaired N.C.G.S. 20-138.1

Description of Item to be Searched

Black Apple iPhone assigned to Raymond Dwight Rector Cook
Telephone number [REDACTED]

Probable Cause Affidavit


I, Senior Officer E.J. Sweden, have been a sworn member of the Raleigh Police Department since June, 2000 and am currently assigned to the Raleigh Police Department Crash Reconstruction Unit. I am tasked with investigating serious injury and fatal crashes. I have been involved in investigating over 60 fatal traffic crashes and over 100 serious injury crashes since being assigned to this unit three years ago. I have investigated over 1,000 traffic collisions as a law enforcement officer.

I have received advanced traffic crash investigation and crash reconstruction training at Wilson Technical Community College, Wilson, North Carolina and the Institute of Police Technology and Management, Jacksonville, Florida. I have been qualified as an expert in the area of traffic crash reconstruction and impaired driving investigation. I also teach police officers in how to conduct and interpret both traffic crash investigation and impaired driving investigations.

While reviewing documents from initial responding officers, witnesses to the crash and EMS workers it appears that Mr. Cook showed obvious signs of impairment to include a strong odor of an alcoholic beverage coming from his person and being unsteady on his feet, actually bumping into people and objects as well as red, glassy and bloodshot eyes. Blood was collected from Mr. Cook nearly two hours after the collision and sent to the SBI for analysis. Results from the SBI indicate Mr. Cook had an alcohol concentration of 0.19 after the collision occurred.

SWORN TO AND SUBSCRIBED BEFORE ME

THIS THE 21st DAY OF September, 2009.



MAGISTRATE/JUDGE



APPLICANT

09/28/2009 MON 14:57 FAX 9199999999
STATE OF NORTH CAROLINA
WAKE COUNTY

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION

IN THE MATTER OF:
iPhone belonging to Raymond Dwight Cook
Telephone number 919-██████████

ATTACHMENT TO APPLICATION
FOR SEARCH WARRANT BY:

Senior Officer E.J. Sweden
Date: 09/21/2009

Officer's investigating the crash scene located a black iPhone on the driver side floorboard and logged that phone into evidence at the Raleigh Police Department. A witness statement taken in the course of this investigation reveals that Mr. Cook made a spontaneous statement which leads me to believe that Mr. Cook may have been on the phone either at the time of the crash or just prior to the crash.

I conducted several interviews relating to a fatal car crash at Strickland Road at Lead Mine Road. In conducting interviews at Pipers Tavern on Falls of the Neuse Road, Raleigh, North Carolina I learned that Raymond Cook had been at Pipers Tavern shortly before the crash. Several interviews reveal that Mr. Cook showed signs of being impaired not only when he left Pipers Tavern but when he arrived. I also learned that Mr. Cook was in the company of a female while at Pipers Tavern, but Mr. Cook did not have a passenger in his vehicle at the time of the crash.

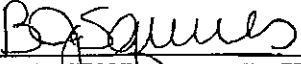
I also learned during the course of the investigation that Mr. Cook may have been at the Raleigh Country Club just prior to arriving at Pipers Tavern.

Conclusion

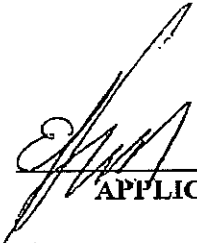
Based upon the information contained in this affidavit, I believe that probable cause exists to search the iPhone possessed by Mr. Cook, telephone number 919-██████████. I also believe that information contained in Mr. Cook's cellular telephone will contain information in the form of telephone calls made and received; text messages sent and received; email's and potentially Global Position Satellite data which will all aid in determining Mr. Cook's locations on the day of this fatal crash to determine where Mr. Cook obtained and consumed alcohol as well as assist in identifying any person or persons who Mr. Cook was with prior to this event.

SWORN TO AND SUBSCRIBED BEFORE ME

THIS THE 21st DAY OF September, 2009.



MAGISTRATE/JUDGE



APPLICANT

Seized Items Continued

N/A

I am leaving a copy of his inventory with the person named below, who is:

- the owner of the place search.
- the owner of the vehicle searched.
- the person in apparent control of the place searched.
- the person in apparent control of the vehicle searched.
- the person from whom the items were taken.

As no person was present, I am leaving a copy of this inventory:

- in the place searched, identified on the reverse. **With the phone in RPD Evidence**
- in the vehicle searched, identified on the reverse.

Name And Address Of Person To Whom A Copy Of This Inventory Was Delivered

The law enforcement agency identified below will hold the seized

SWORN AND SUBSCRIBED TO BEFORE ME

Date
9-28-09

Signature
C Bobbett

- Deputy CSC
- Assistant CSC
- Clerk Of Superior Court
- Magistrate

Signature Of Law Enforcement Officer

Title Of Law Enforcement Officer

Senior Officer

Name And Address Of Agency

Raleigh Police
110 S McDowell St

ACKNOWLEDGEMENT OF RECEIPT

I, the undersigned, received a copy of this inventory.

Date

Signature Of Person Receiving Inventory

STATE OF NORTH CAROLINA File No.

In The General Court Of Justice

WAKE County

District Superior Court Division

IN THE MATTER OF:

Name
Raymond Dwight Rector Cook
iPhone 919- [REDACTED]

INVENTORY OF SEIZED PROPERTY

Date Of Search

G.S. 15A-254, -257

I, the undersigned officer, executed a search of: An Apple iPhone, black and silver in color, 16GB model

Person, Place Or Vehicle Searched
N/A

This search was made pursuant to

- a search warrant issued by: **Magistrate**
- a consent to search given by:
- other legal justification for the search:

The following items were seized:

Digital images, videos, and data files.